THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No.12087 of 1998

06-06-2007

Between:

K. Prabhu Vara Prasad

Petitioner

And

Govt. of A.P. rep., by its Secretary,
Industries & Commerce (Sugar) Department,
Secretariat, Hyderabad two others.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 12087 of 1998

Oral Order:

The petitioner seeks a direction to the respondents to regularize his services in the category of PA to Managing Director of 3rd respondent Co-operative Sugar Factory and to declare the proceedings dated 11-02-1998 of the 3rd respondent as illegal.

By the proceedings dated 11-02-1998, the service of the petitioner was regularized in the category of Clerk

Grade-II with effect from the date of issue of the Government Order i.e.,
11-02-1998.

The petitioner was initially engaged by the 3rd respondent as Clerk in 1982 on daily wage basis in the Cane Accounts Section. Though his name was not sponsored by the employment exchange, he continued in the Cane Accounts Section and in General Administration Department of the 3rd respondent Factory since then. Intermittently his services were also utilized as P.A. to the Managing Director up to 1988, but on consolidated wages. Thereafter he worked in other sections up to 1991. Again in 1991 and thereafter he was employed as PA to the Managing Director, but on consolidated pay.

Earlier, the petitioner filed W.P.No. 16156 of 1988 seeking a direction to the respondents to regularize his services and for payment of the salary fixed for the post of PA to the Managing Director. By the order dated 12-09-1996 in the writ petition, the respondents were directed to constitute a selection committee for permanent appointment of the petitioner in the cadre of P.A to the Managing Director. Thereafter, the 3rd respondent addressed the State Government, as the main issue regarding regularization of services of all temporary employees was pending consideration by the State Government. During this period (1996-97) there was also a ban on recruitment. For regularization of services of the

casual employees several administrative measures were taken up by the Government including the issuance of G.O.Ms.No. 212 Finance and Planning (F.W. PC.III) Department dated 22-04-1994 structuring the area relating to the regularization of temporary employees.

Eventually by a Memo No. 25171/Sugar/A3/96 dated 11-02-1998, the State Government issued instructions to the Managing Director of the 3rd respondent directing regularization of petitioner's service in the cadre of a Clerk and with effect from the date of the Government Order i.e., prospective effect. Consequently, the Managing Director issued proceedings dated 11-02-1998 regularising the services of the petitioner in the cadre of Clerk Grade-II.

Responding to the claim of the petitioner seeking regularization as PA to the Managing Director, the 3rd respondent's counter states that as on the date of initial entry into service and deployment as PA to the Managing Director, the petitioner did not acquire any qualification in Shorthand and was therefore ineligible for appointment as PA to the Managing Director.

As per the staffing pattern of the 3rd respondent-Factory a degree and knowledge in higher grade shorthand and typewriting with five years of experience is the requisite qualification for appointment as PA to Managing Director. As the petitioner was not qualified for

appointment or regularization as PA to the Managing Director and in view of his long standing service, he was regularized in the cadre of Clerk Grade-II by the proceedings dated 11-02-1998 is the categorical case in the counter affidavit.

In the light of the averments in the counter affidavit, which have not been disputed, it is clear that the petitioner was not qualified either for appointment or regularization as PA to the Managing Director. In recognition of his long service, the petitioner was regularized in the category of Clerk Grade-II. He is thus not entitled to the specific relief claimed. There are no merits. The writ petition is accordingly dismissed. No costs.

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GODA RAGHURAM, J

Dated: 06-06-2007

Pvks/*